

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4163

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH BERNARD BAYLOR,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. C. Weston Houck, Senior District Judge. (CR-02-330)

Submitted: October 20, 2003

Decided: November 21, 2003

Before LUTTIG, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. Rose Mary Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Joseph Bernard Baylor pled guilty to possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(e) (2000). The district court sentenced him to 180 months in prison. Baylor's counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious grounds for appeal. However, he raises the issues of whether the magistrate judge complied with Rule 11 of the Federal Rules of Criminal Procedure in accepting Baylor's guilty plea, and whether the district court erred in sentencing Baylor as an armed career criminal pursuant to 18 U.S.C. § 924(e). Although notified of his right to do so, Baylor has not filed a pro se supplemental brief. Finding no reversible error, we affirm.

After reviewing the transcript of the plea proceeding, we conclude that the magistrate judge fully complied with the requirements of Rule 11 in accepting Baylor's guilty plea. Turning to the sentencing issue, we find that the district court's determination that the challenged prior conviction resulted from a counseled plea was not clearly erroneous. See United States v. Daughtrey, 874 F.2d 213, 217 (4th Cir. 1989) (standard of review for factual determinations under the Sentencing Guidelines is clearly erroneous). Accordingly, the district court properly sentenced Baylor as an armed career criminal.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Baylor's conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED